

AMENDED IN SENATE APRIL 13, 2009

**SENATE BILL**

**No. 790**

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**Introduced by Senator Pavley**

February 27, 2009

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~~An act to amend Section 30916 of the Public Resources Code, relating to coastal resources. An act to amend Section 30916 of the Public Resources Code, and to amend Section 10540 of, and to add Part 2.3 (commencing with Section 10560) to Division 6 of, the Water Code, relating to resources.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 790, as amended, Pavley. Coastal resources: project grants.

~~The~~

(1) *The Watershed, Clean Beaches, and Water Quality Act*, authorizes the Water Resources Control Board, in consultation with the State Coastal Conservancy, to award grants to public agencies and nonprofit organizations for projects designed to restore and protect the water quality and environment of coastal waters, estuaries, bays, and near shore waters, including, among other things, a project to make improvements to, or upgrades or conversions of, existing sewer collection systems and septic systems for the restoration and protection of coastal water quality.

This bill would also authorize grants for projects designed to implement or promote low impact development that will contribute to the improvement of water quality or reduce stormwater runoff *and for projects designed to implement specified stormwater management plans.*

(2) *Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements for the discharge of stormwater in*

*accordance with the national pollutant discharge elimination system (NPDES) permit program and the Porter-Cologne Water Quality Control Act. Existing law authorizes a regional water management group, as defined, to adopt an integrated regional water management plan that addresses specified matters.*

*This bill would authorize a city, county, or special district to develop, jointly or individually, stormwater management plans that meet certain requirements. The bill would require a regional water management plan prepared by a regional water management group to address stormwater management planning that is undertaken pursuant to the bill's provisions.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 30916 of the Public Resources Code is  
2     amended to read:  
3     30916. (a) Upon appropriation by the Legislature, funds  
4     provided under this chapter may be used by the board, in  
5     consultation with the State Coastal Conservancy, to award grants  
6     not to exceed five million dollars (\$5,000,000) per project to public  
7     agencies and nonprofit organizations for the purposes of this  
8     chapter. Grants may be awarded for any of the following projects:  
9     (1) A project designed to improve water quality at public  
10    beaches and to make improvements for the purpose of ensuring  
11    that coastal waters adjacent to public beaches meet the  
12    bacteriological standards set forth in Article 2 (commencing with  
13    Section 115875) of Chapter 5 of Part 10 of Division 104 of the  
14    Health and Safety Code.  
15    (2) A project to make improvements to, or upgrades or  
16    conversions of, existing sewer collection systems and septic  
17    systems for the restoration and protection of coastal water quality.  
18    (3) A project designed to implement stormwater and runoff  
19    pollution reduction and prevention programs, or for the  
20    implementation of best management practices, for the restoration  
21    and protection of coastal water quality.  
22    (4) A project designed to implement or promote low impact  
23    development that will contribute to the improvement of water  
24    quality or reduce stormwater runoff.

1     (5) *A project designed to implement a stormwater management*  
2     *plan prepared pursuant to Part 2.3 (commencing with Section*  
3     *10560) of Division 6 of the Water Code.*

4     (b) The projects funded pursuant to this chapter shall be  
5     consistent with the state's nonpoint source control program, as  
6     revised to meet the requirements of Division 20 (commencing with  
7     Section 30000), Section 6217 of the federal Coastal Zone Act  
8     Reauthorization Amendments of 1990, Section 319 of the federal  
9     Clean Water Act (33 U.S.C. Sec. 1329), Division 7 (commencing  
10    with Section 13000) of the Water Code, and the California Coastal  
11    Commission.

12    (c) The projects funded pursuant to this chapter shall  
13    demonstrate the capability of contributing to sustained, long-term  
14    water quality or environmental restoration or protection benefits  
15    for a period of 20 years, address the causes of degradation, rather  
16    than the symptoms, and be consistent with water quality and  
17    resource protection plans prepared, implemented, or adopted by  
18    the board, the applicable regional water quality control board, and  
19    the State Coastal Conservancy.

20    (d) An applicant for funds under this chapter shall be required  
21    to submit to the board a monitoring and reporting plan that does  
22    all of the following:

23       (1) Identifies the nonpoint source or sources of pollution to be  
24       prevented or reduced by the project.

25       (2) Describes the baseline water quality or environmental quality  
26       to be addressed.

27       (3) Describes the manner in which the project will be effective  
28       in preventing or reducing pollution and in demonstrating the  
29       desired environmental results.

30       (4) Describes the monitoring program, including, but not limited  
31       to, the methodology, and the frequency and duration of monitoring.

32    (e) Upon completion of the project, a recipient of funds under  
33    this chapter shall submit a report to the board that summarizes the  
34    completed activities and indicates whether the purposes of the  
35    project have been met. The report shall include information  
36    collected by the recipient in accordance with the project monitoring  
37    and reporting plan, including a determination of the effectiveness  
38    of the project in preventing or reducing pollution, and the results  
39    of the monitoring program. The board shall make the report

1 available to the public, watershed groups, and federal, state, and  
2 local agencies.

3 (f) Not more than 25 percent of a grant may be awarded in  
4 advance of actual expenditure.

5 (g) An applicant for funds under this chapter shall inform the  
6 board of any necessary public agency approvals, entitlements, and  
7 permits that may be necessary to implement the project. The  
8 application shall certify to the board, at the appropriate time, that  
9 those approvals, entitlements, and permits have been granted.

10 (h) Where recovery plans for coho salmon, steelhead trout, or  
11 other threatened or endangered aquatic species exist, projects  
12 funded under this chapter shall be consistent with those plans and,  
13 to the extent feasible, shall seek to implement actions specified in  
14 those plans.

15 (i) The board shall appoint a Clean Beaches Task Force  
16 comprised of individuals representing the breadth and diversity of  
17 coastal communities. All proposals for funding shall be reviewed  
18 by the task force. The task force may recommend projects to the  
19 board for funding consideration.

20 *SEC. 2. Section 10540 of the Water Code is amended to read:*

21 10540. (a) A regional water management group may prepare  
22 and adopt an integrated regional water management plan in  
23 accordance with this part.

24 (b) A regional water management group may coordinate its  
25 planning activities to address or incorporate all or part of any of  
26 the following actions of its members into its plan:

27 (1) Groundwater management planning pursuant to Part 2.75  
28 (commencing with Section 10750) or other specific groundwater  
29 management authority.

30 (2) Urban water management planning pursuant to Part 2.6  
31 (commencing with Section 10610).

32 (3) The preparation of a water supply assessment required  
33 pursuant to Part 2.10 (commencing with Section 10910).

34 (4) Agricultural water management planning pursuant to Part  
35 2.8 (commencing with Section 10800).

36 (5) City and county general planning pursuant to Section 65350  
37 of the Government Code.

38 (6) Other water resource management planning, including flood  
39 protection, watershed management planning, and multipurpose  
40 program planning.

(c) At a minimum, all plans shall address all of the following:

(1) Protection and improvement of water supply reliability, including identification of feasible agricultural and urban water use efficiency strategies.

(2) Identification and consideration of the drinking water quality of communities within the area of the plan.

(3) Protection and improvement of water quality within the area of the plan, consistent with the relevant basin plan.

(4) Identification of any significant threats to groundwater resources from overdrafting.

(5) Protection, restoration, and improvement of stewardship of aquatic, riparian, and watershed resources within the region.

(6) *Stormwater management planning that is undertaken pursuant to Part 2.3 (commencing with Section 10560).*

~~(6)~~

(7) Protection of groundwater resources from contamination.

~~(7)~~

(8) Identification and consideration of the water-related needs of disadvantaged communities in the area within the boundaries of the plan.

(d) This section does not obligate a local agency to fund the implementation of any project or program.

*SEC. 3. Part 2.3 (commencing with Section 10560) is added to Division 6 of the Water Code, to read:*

**PART 2.3. STORMWATER MANAGEMENT PLANNING**

*10560. This part shall be known and may be cited as "The Stormwater Management Planning Act."*

*10561. The Legislature hereby finds and declares all of the following:*

*(a) In many parts of the state stormwater is a source of surface water and groundwater contamination, contributing to a loss of usable water supplies, and the pollution and impairment of rivers, lakes, streams, and coastal waters.*

*(b) Improved management of stormwater can reduce pollution and increase uncontaminated supplies of water for beneficial uses and the environment.*

1     (c) *Most of California's current stormwater drainage systems*  
2     *are designed to capture and convey water away from people and*  
3     *property rather than capturing that water for beneficial uses.*

4     (d) *Historical patterns of precipitation are predicted to change*  
5     *and an increasing amount of California's water is predicted to*  
6     *fall not as snow in the mountains, but as rain in the valleys and*  
7     *on the coast. This will likely have a profound and transforming*  
8     *effect on California's hydrologic cycle and much of that water will*  
9     *no longer be captured by California's reservoirs, many of which*  
10    *are located to capture snow melt.*

11    (e) *Stormwater, properly managed, can contribute significantly*  
12    *to local water supplies through onsite storage and reuse, or letting*  
13    *it percolate into the ground to recharge groundwater, thereby*  
14    *increasing available supplies of drinking water.*

15    (f) *New developments and redevelopments should be designed*  
16    *consistent with low impact development principles to improve the*  
17    *retention, reuse, and percolation of stormwater onsite.*

18    (g) *Stormwater can be managed to achieve environmental*  
19    *benefits such as wetland creation, riverside habitats, and instream*  
20    *flows.*

21    10562. (a) *A city, county, or special district, either individually*  
22    *or jointly, may develop a stormwater management plan pursuant*  
23    *to this part.*

24    (b) *Stormwater management plans shall do all of the following:*

25    (1) *Be developed on a watershed basis.*

26    (2) *Provide for multiple benefit project design to maximize water*  
27    *supply, water quality, and environmental and other community*  
28    *benefits.*

29    (3) *Provide for community participation in plan development*  
30    *and implementation.*

31    (4) *Assist in compliance with total maximum daily load (TMDL)*  
32    *implementation plans and applicable national pollutant discharge*  
33    *elimination system (NPDES) permits.*

34    (5) *Be consistent with all applicable waste discharge permits.*

35    (6) *Be consistent with any applicable integrated regional water*  
36    *management plan.*

37    (c) *Stormwater management plans shall be designed to do all*  
38    *of the following:*

39    (1) *Augment local water supply through groundwater recharge*  
40    *or storage for beneficial reuse of stormwater.*

1     (2) *Prioritize source control, onsite and local infiltration, and*  
2 *reuse of stormwater.*

3     (3) *Reestablish natural water drainage treatment and infiltration*  
4 *systems, or mimic natural system functions to the maximum extent*  
5 *feasible.*

6     (4) *Include requirements for new and upgraded infrastructure*  
7 *and development to meet design criteria and best management*  
8 *practices to prevent stormwater pollution and increase effective*  
9 *stormwater management. These design criteria and best*  
10 *management practices should accomplish all of the following:*

11     (A) *Reduce effective impermeability within a watershed by*  
12 *creating or connecting to permeable surfaces, retention basins,*  
13 *cisterns, and other storage for beneficial reuse.*

14     (B) *Support low impact development and sustainable*  
15 *redevelopment using low impact techniques.*

16     (5) *Identify opportunities to develop or enhance habitat and*  
17 *open space, including wetlands, riverside habitats, parkways, and*  
18 *parks.*

19     (6) *Identify activities that generate or contribute to the pollution*  
20 *of stormwater, or that impair the effective beneficial use of*  
21 *stormwater.*